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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,894	06/20/2003	Holger Listle	10191/3186	5906
26646	7590	07/08/2004	EXAMINER	
KENYON & KENYON ONE BROADWAY NEW YORK, NY 10004			NGUYEN, THU V	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Vb

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/600,894	LISTLE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Thu Nguyen	3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 June 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6/20/03.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 6 is objected to because of the following informalities:

In claim 6, line 3, the claimed “symbols” should be corrected to “the symbols” to implies the “individual symbols” in line 3 of the claim.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a. In claim 1, line 4; claim 3, line 2; claim 7, line 3, the claimed “one of” is ambiguous.

Does the term “one of” implies an alternative between item (a) and (b)?

b. In claim 7, line 2, the claimed “at the same location” is ambiguous, since the indicator symbol represents several individual symbols, it is not clear which location the indicator should be displayed.

c. Other claims are rejected as being dependent on the rejected base claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4, 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyaki (US 2002/0130906) in view of Yokota et al (US 6,640,185).

As per claim 1-4, 6, 8, 12, Miyaki teaches a driver information device comprising: a map display with special objects represented on the display by symbols (para 0003); a common indicator symbol in the map assigned to multiple symbols in one or a pre-selected radius of a location, a selection of the indicator symbol enabling a display of a list menu containing information about the special objects (abstract; para 0044-0045). Miyaki does not explicitly disclose that the menu should be a selection menu. However, Yokota suggests displaying the special object symbols in a selectable menu 120-122 (fig.12B). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the menu of Miyaki as selectable menu as taught by Yokota in order to allow the user to obtain more information on an interested point of interest.

With respect to claim 7, since the combined teaching of Miyaki and Yokota teaches the capability of displaying a corresponding menu when the indicator symbol is selected, Miyaki and Yokota obviously include teaching linking the indicator to the menu.

As per claim 9-10, Yokota teaches that the special objects in the selection menu is selectable as a destination (col.14, lines 26-35); Yokota further teaches that by selecting one special object in the selection menu, further information becomes accessible (col.14, lines 11-21).

As per claim 11, selecting a specific color for a display symbol would have been well known. Further assigning color according to a type and number of display symbols would have been an obvious design choice based on a specific designer preference.

6. Claims 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyaki (US 2002/0130906) in view of Yokota et al (US 6,640,185) and further in view of Sasaki (US 2002/00119995) and Bartlett (US 5,283,560).

As per claim 5, Sasaki suggests superimposing a menu on a map (fig.5) and Bartlett suggests displaying the menu in a semi-transparent window (abstract; fig.3B). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to display the menu taught by Miyaki and Yokota on the map semi-transparently as taught by Sasaki and Bartlett in order to facilitate checking for expended information of a point of interest and check for the map image underneath the menu.

Art Unit: 3661

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-7687, (for formal communications intended for entry)

**Or:**

(703) 305-7687 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park V, 2451  
Crystal Drive, Arlington, VA., Seventh Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Nguyen whose telephone number is (703) 306-9130. The examiner can normally be reached on Monday-Thursday from 8:00 am to 6:00 pm ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (703) 305-8233. The fax phone number for this Group is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1111.

*Thu Nguyen*  
**THU V. NGUYEN**  
**PRIMARY EXAMINER**  
June 26, 2004